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EXAMINER

EGAN, SCOTT T

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/668,112

Applicant(s)

BRAUNE, INGOLF

Examiner

Scott Egan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the original application filed on September 22, 2003.
2. Claims 1-19 are currently pending in this application. Claims 1 and 13 are independent.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information disclosure statements (IDS) submitted on July 6, 2004 and December 1, 2003 were filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 1 for the arrow, 13 for the trigger region, and 23 for the sensor. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office

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action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

6. Claim 1 is objected to because of the following informalities: the signal is referred to but there is no prior mention of a signal, therefore it should be changed to a signal. Appropriate correction is required.
7. Claim 12 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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9. **Claim 11** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claim 11 recites the limitation "the function check" in line 3. There is insufficient antecedent basis for this limitation in the claim. For the purposes of examination this will be interpreted as determining if there is anything new object or obstruction in the monitored frame which would be detected by the camera.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. **Claims 1-7, 11-14, 16, 18 and 19** are rejected under 35 U.S.C. 102(e) as being anticipated by **Lourie et al. (US 2001/0043270)**.

Consider **claim 1**, Lourie et al. explicitly teach "a method for the triggering of an image recording by means of at least one camera system, in which

at least one part region (13) of an image recording surface (15) (CCD 220, Figure 2) of the camera system is acted on by means of at least one radiation source (11) (ambient light is considered to be the source of radiation) in a non-recording state;

the signal hereby derived from the image recording surface (15) (paragraph [0021] describes how the information from the CCD is converted and sent to the processor 240) is supplied to an evaluation device (25) (processor 240) and is evaluated as a non-recording signal (paragraphs [0023] and [0024] describe the work of the processor in a non-recording state); and

the image recording is triggered automatically on a change of the non-recording signal (paragraph [0025] describes how the power up of the electronic device begins on detection of motion by the camera, paragraph [0026] describes how the processor switches to compression and processing to provide information to the electronic device for storage)."

Consider **claim 2**, Lourie et al. explicitly teach "a method in accordance with claim 1, characterized in that the propagation path of the radiation (17) from the radiation source (11) (ambient light) to the image recording surface (15) extends through a monitored zone (19) disposed in the range of vision of the camera system (paragraph [0021] describes the operation of the camera and how it senses the intensity of light from the scene it is monitoring, this light is the ambient light or the source of the radiation)."

Consider **claim 3**, Lourie et al. explicitly teach "a method in accordance with claim 1, characterized in that a displacement of the part region (13) on the image recording surface (15) (CCD 220) acted on by radiation (17) (ambient light) from the radiation source (11) is evaluated as a change triggering the image recording

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(paragraph [0023] describes that when there is a change in the in the light received by the image sensor it is detected as motion and starts the recording)."

Consider **claim 4**, Lourie et al. explicitly teach "a method in accordance with claim 1, characterized in that the part region (13) of the image recording surface (15) (CCD 220) is acted on in accordance with the light scanner principle such that the propagation path of the radiation (17) from the radiation source (11) to the image recording surface (15) is changed by objects (21) entering into a monitored zone (19) of the camera system (paragraphs [0021]-[0023] describe the motion detection by the video camera system, when there is an object entering the monitor area the light received by the CCD is different, therefore the propagation path of the light has been changed by the object)."

Consider **claim 5**, Lourie et al. explicitly teach "a method in accordance with claim 1, characterized in that the absence of the radiation (17) (ambient light) incident on the part region (13) of the image recording surface (15) (CCD 220) is evaluated as a change triggering the image recording (paragraphs [0021]-[0023] describe the motion detection by the video camera system, in the absence of radiation the camera would detect a change between consecutive frames, which would cause recording in the system)."

Consider **claim 6**, Lourie et al. explicitly teach "a method in accordance with claim 1, characterized in that the part region (13) of the image recording surface (15) (CCD 220) is acted on in accordance with the light barrier principle such that the propagation path of the radiation (17) from the radiation source (11) (ambient light) to

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the image recording surface (15) (CCD 220) is interrupted by objects (21) entering into a monitored zone (19) of the camera system (paragraphs [0021]-[0023] describe the motion detection by the video camera system, it is also understood that an object in the area of view of the camera would interrupt the amount of light the CCD receives)."

Consider **claim 7**, Lourie et al. explicitly teach "a method in accordance with claim 1, characterized in that the part region (13) of the image recording surface (15) (CCD 220) to be acted on by means of the radiation source (11) (ambient light) is pre-determined and exclusively this part region (13) is evaluated in the non-recording state (a part region is interpreted to be covered by the CCD 220, which is evaluated in a non-recording state in that no data is output to the system until motion is detection, therefore it is not recorded, paragraph [0025] describes the power up of the device that records the information from the CCD upon motion detection)."

Consider **claim 11**, Lourie et al. explicitly teach "a method in accordance with claim 1, characterized in that the signal obtained by acting on the part region (13) of the image recording surface (15) (CCD 220) is used for the function check, in particular for the defining of the degree of contamination, with the intensity of the radiation acting on the part region (13) preferably being monitored for this purpose (paragraphs [0021]-[0023] describe the motion detection by the video camera system, any amount of contamination in the image would be seen as a change in the captured image, triggering the camera to begin to record)."

Consider **claim 12**, Lourie et al. explicitly teach "a method in accordance with claim 1, characterized in that a camera system (electronic device with a video camera, figure 2) is used in accordance with any one of the claims below."

Consider **claim 13**, Lourie et al. explicitly teach "a camera system comprising at least one image recording surface (15) (CCD 220), an evaluation device (25) for the reading out of the image recording surface (15) (processor 240) and at least one radiation source (11) (ambient light) by means of which at least one part region (13) of the image recording surface (15) (CCD 220) can be acted on in a non-recording state, with the evaluation device (25) being made such that the signal originating from the part region (13) of the image recording surface (15) acted on is evaluated as a non-recording signal, a change of the non-recording signal is recognized and, on a change of the non-recording signal, a triggering signal is generated automatically for the triggering of an image recording (paragraph [0025] describes how the power up of the electronic device begins on detection of motion by the camera, the signal is considered in a non-recording state until the motion is detected and the device is powered, paragraph [0026] describes how the processor switches to compression and processing to provide information to the electronic device for storage, which corresponds to the triggering of recording)."

Consider **claim 14**, Lourie et al. explicitly teach "a camera system in accordance with claim 13, characterized in that the image recording surface (15) is formed by a spatially resolving sensor (23), in particular by a sensor of the CMOS, CCD or CID type (CCD 220 Figure 2)."

Consider **claim 16**, Lourie et al. explicitly teach "a camera system in accordance with claim 13, characterized in that the radiation source (11) (ambient light) is arranged spatially separated from the image recording surface (15) (CCD 220, the light from the surroundings of the image capture area is separate from the image recording surface)."

Consider **claim 18**, Lourie et al. explicitly teach "a camera system in accordance with claim 13, characterized in that a display device is provided for the distinguishable display of the non-recording state and of the recording state (paragraph [0016] describes how the system may be used along with a display in come cases the detection powers the display, in which case the non-recording state is distinguishable form the recording state in that the image will be displayed clearly on the recording state, or the device will be powered on)."

Consider **claim 19**, Lourie et al. explicitly teaches a camera system in accordance with claim 13, in that the triggering of the image recording takes place in accordance with the method described above (paragraphs [0021]-[0023] describe the motion detection by the video camera system, any amount of contamination in the image would be seen as a change in the captured image, triggering the camera to begin to record).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. **Claims 8, 9, 15, and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lourie et al. (US 2001/0043270)** in view of **Koz et al. (US 5,581,297)**.

Consider **claim 8**, Lourie et al. explicitly teach the method in accordance with claim 1 and that there is a propagation path of the radiation from the radiation source (ambient light).

However Lourie et al. do not explicitly teach that the light is adjustable by movement of the radiation source.

In the same field of endeavor, Koz et al. teach a video security monitoring system for monitoring a specified zone (column 4 lines 4-17). Koz et al. further disclose that the video security monitoring system may also include a strobe light 72 for illuminating the area viewed by lens 14 (column 8 lines 39-48). A strobe light that is made to illuminate the recording zone moves relative to image surface.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the strobe light found in Koz et al. into the method found

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in Lourie et al. in order to light only at the instant the video is acquiring information and to reduce the electrical power required by the video security monitoring system (column 4 lines 4-17).

Consider **claim 9**, the combination of Lourie et al. in view of Koz et al. further teach, according to the method in claim 1, that the illumination device (strobe 72 in Koz et al.) which provides lighting of the monitored zone is used as the radiation source (ambient light, the strobe light contributes to the ambient light of the monitoring zone and therefore to the radiation that is detected by the CCD 220 in Lourie et al.). For the same reason as in claim 8, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Koz et al. with the disclosure of Lourie et al.

Consider **claim 15**, Lourie et al. explicitly teach the camera system in accordance with claim 13 and that there is a radiation source.

However, Lourie et al. do not explicitly teach that the radiation source is movable relative to the image recording surface.

In the same field of endeavor, Koz et al. teach a video security monitoring system for monitoring a specified zone (column 4 lines 4-17). Koz et al. further disclose that the video security monitoring system may also include a strobe light 72 for illuminating the area viewed by lens 14 (column 8 lines 39-48). A strobe light that is made to illuminate the recording zone moves relative to image surface.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the strobe light found in Koz et al. into the method found

in Lourie et al. in order to light only at the instant the video is acquiring information and to reduce the electrical power required by the video security monitoring system (column 4 lines 4-17).

Consider **claim 17**, the combination of Lourie et al. in view of Koz et al. further teach that the image recording surface (CCD 220) and the radiation source (video monitoring system 10 may also include a strobe light 72 fig 1) are one common unit (Koz et al. shows the system as one unit fig 1). For the same reason as in claim 15, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Koz et al. with the disclosure of Lourie et al.

16. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Lourie et al. (US 2001/0043270)** in view of **Hsieh et al. (US 6,954,226)**.

Consider **claim 10**, Lourie et al. explicitly teach the method in accordance with claim 1 which includes the triggering of image recording.

However Lourie et al. do not explicitly teach that the triggering of the image recording includes the activation of an illumination device.

In the same field of endeavor, Hsieh et al. teach a digital camera with motion detection that reacts to the detection in several ways. Hsieh et al. further teach that the detection of motion in the scene to be captured can automatically performs (step 308) which includes flashing an LED light (column 5 lines 12-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the activation of an LED light into the method of triggering an image recording by means of at least one camera system found in Lourie


et al. in order to assist a system operator or a guard (column 5 lines 18-19), to notify the user that an object has been detected and the use of an LED doesn't require the addition of costly parts providing a low cost digital camera and a simple microprocessor.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Egan whose telephone number is (571) 270-1452. The examiner can normally be reached on Monday-Friday 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


NGOC-YEN VU
SUPERVISORY PATENT EXAMINER